

ORDINANCE NO. 2022- 01

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ORDERING A GENERAL ELECTION ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) ALDERMEN OF THE VILLAGE OF SALADO BOARD OF ALDERMEN; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THE ELECTION; MAKING OTHER PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, CONFLICTING PROVISIONS, GOVERNING LAW, PROPER NOTICE AND OPEN MEETING, AND AN EFFECTIVE DATE.

WHEREAS, the Village of Salado ("Village") desires to hold a General Election on May 7, 2022, for the purpose of electing a Mayor and two (2) Aldermen of the Village of Salado Board of Aldermen; and

WHEREAS, the Board of Aldermen has the authority, pursuant to Chapter 271, Texas Election Code, to enter into a joint election agreement with the Salado Independent School District ("Salado ISD") and the Salado Public Library District which are political subdivisions holding elections on the same day in all or part of the same territory; and

WHEREAS, this ordinance is in furtherance of the public interest, for the good of government, peace and order of the Village, and necessary and proper for carrying out the power granted by law to the Village.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

**SECTION 1. Call of Election; Date; Eligible Electors; and Hours.** A General Election ("election") is ordered to be held, at a polling place and election precinct within the corporate limits of the Village of Salado, as hereinafter designated, on Saturday, May 7, 2022, from the hours of 7:00 a.m. to 7:00 p.m., at which election there shall be elected a Mayor and two (2) Aldermen for the Village of Salado. The Mayor and two (2) Aldermen shall be elected to serve a term of two (2) years. All residents, qualified electors of the Village shall be entitled to vote in the election. Each voter may vote for a Mayor and two (2) Aldermen. The Mayor and two (2) Aldermen candidates receiving the highest number of votes shall be elected.

**SECTION 2. Voting Precincts.** The boundaries and territory of the respective Bell County Election Precinct that is within the territorial boundaries of the Village is hereby designated as the voting precinct of the Village for the election. The precinct number for the Village's election precinct shall be the corresponding Bell County Election Precinct Number (s) of the precinct.

**SECTION 3. Voting Locations.** The polling place for the election precinct for this election shall be as follows:

Village of Salado  
Salado Civic Center  
601 N. Main Street  
Salado, Texas 76571

**SECTION 4. Conduct of Election and Election Services Contract.** Pursuant to Chapter 271 of the Texas Election Code, the election shall be conducted under the terms and conditions of an agreement between the Village of Salado, Salado ISD and the Salado Public Library District ("The Joint Election Agreement") which the Board of Aldermen shall approve by separate resolution, prior to the Election. A copy of the approved Joint Election Agreement shall be attached and labeled as "Exhibit A" to this Ordinance and incorporated by reference as it is fully set out herein. Chapter 271 of the Texas Election Code provides that all authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the Board is expressly authorizing this action.

**SECTION 5. Appointment of Election Officers.** The Board of Aldermen shall appoint a Joint Election Officer, Presiding Judge and Alternate Presiding Judge, by separate resolution, prior to the Election. The Presiding Judge may appoint up to four (4) clerks to serve and assist in conducting the election. The Alternate Presiding Judge shall be one of the clerks.

Each Presiding and Alternate Presiding Judge shall be given written notice of the appointment in accordance with Texas Election Code Section 32.009. Each Presiding Judge shall be served with a writ of election (notice of election) in accordance with Texas Election Code Section 4.007.

The Presiding Judge and election clerks shall be compensated at a rate of pay established in the Joint Election Agreement approved by the Village of Salado, Salado Independent School District and the Salado Public Library District by separate resolution in advance of the election. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code, as amended (the "Election Code") and other applicable laws.

**SECTION 6. Early Voting.** The Board of Aldermen shall appoint a deputy early voting clerk for early voting for the Village who shall also serve as the joint early voting clerk, as provided in the Joint Election Agreement. The appointment shall be made prior to the Election.

**SECTION 7. Early Voting by Personal Appearance.** The polling place for early voting by personal appearance for the Village election is:

Village of Salado  
Salado Civic Center  
601 N. Main Street  
Salado, Texas 76571

Early voting by personal appearance shall be conducted on Monday, April 18, 2022, from 7 a.m. to 7 p.m.; Tuesday, April 19, 2022, through Friday, April 22, 2022, from 8 a.m. to 5 p.m.; Saturday,

April 23, 2022, from 10 a.m. to 2 p.m.; Monday, April 25, 2022, from 7 a.m. to 7 p.m. and Tuesday, April 26, 2022, from 8 a.m. to 5 p.m.

**SECTION 8. Early Voting by Mail.** Early voting by mail shall be conducted in accordance with applicable provisions of the Texas Election Code. Ballot applications and ballots voted by mail shall be sent to: Salado ISD, Attn: Deputy Early Voting Clerk, P.O. Box 98, Salado, Texas, 76571. Applications for ballot by mail must be received no later than the close of business on Tuesday, April 26, 2022.

**SECTION 9. Early Voting Ballot Board.** The Board of Aldermen will appoint the Presiding Judge of the Early Voting Ballot Board at a subsequent meeting. The Presiding Judge shall appoint two or more election clerks, and such judge and clerks shall constitute the Early Voting Ballot Board. All early votes and other votes to be processed in accordance with early voting procedures pursuant to the Texas Election Code shall be delivered to the Salado ISD, 601 N. Main Street/P.O. Box 98, Salado, Texas 76571 in accordance with the Election Code. The Early Voting Ballot Board shall perform its duties in accordance with applicable provisions of the Election Code.

**SECTION 10. Ballots and Election Expenditures Authorized.** All ballots shall be prepared in accordance with the Texas Election Code. The ballots shall be printed in both English and Spanish and shall conform to the requirements of the Texas Election Code. The Village of Salado shall provide at least one (1) ExpressVote (ESS) voting system and at least one (1) DS200 Tabulating Unit in the polling place. Oral bilingual assistance shall be available during the election and may be obtained by contacting the Presiding Election Judge or Alternate Election Judge. The cost of the Election shall be shared proportionately with the Salado ISD and the Salado Public Library District as provided in the Joint Election Agreement. All expenditures necessary for the conduct of the election, the employment of all election officials and the purchase of materials is hereby authorized.

**SECTION 11. Custodian of Records.** To the extent not otherwise provided in the Joint Election Agreement, City Secretary Cara McPartland is appointed as the Custodian of Records ("Custodian") to perform duties related to the conduct and maintenance of records of the election as required under the Texas Election Code ending not earlier than the fortieth (40<sup>th</sup>) day after the date of the Election. In particular, the Custodian shall provide applications for candidates, accept applications from candidates for a place on the ballot, determine the order in which names will appear on the ballot for the Mayor and Aldermen positions, and accept and maintain records regarding campaign expenditures that may be filed with the Village.

The Custodian shall maintain an office open for election duties for at least three (3) hours each day, during regular office hours, on regular business days during the period required by the Election Code. The Custodian shall post notice of the location and hours of her office as required by the Election Code.

Notwithstanding the foregoing, pursuant to Sections 66.058 and 271.010 of the Texas Election Code, prior to the Election, the Board of Aldermen shall appoint a Joint Custodian of Records

("Joint Custodian") for the sole purpose of preserving all voted ballots securely in a locked room in the locked ballot boxes for the period of preservation required by the Election Code.

**SECTION 12.** The election shall be held under, and in accordance with the laws of the State of Texas.

**SECTION 13. Notice.** Notice of the election, including a Spanish translation thereof, shall be published at least once in a newspaper published within the territory of the Village of Salado on or before April 27, 2022 and shall be posted on the bulletin board at the Municipal Building on or before April 16, 2022. The City Secretary shall cause the notice of the Election to be published.

**SECTION 14. Election Information to be provided in Spanish.** Election notices, instructions, orders, ballots and other written material pertaining to the Election shall be translated into and furnished to voters in both the English and the Spanish language.

**SECTION 15. Severability.** If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance and the application of such provision to other persons and circumstances shall remain valid and in full force and effect, and the Board of Aldermen hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 16. Conflicting Provisions.** All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

**SECTION 17. Governing Law.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 18. Proper Notice and Open Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was acted upon was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 19. Authorization to Execute.** The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Board; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

**SECTION 20. Effective Date.** This Ordinance is effective immediately upon its passage and approval.

**PASSED AND APPROVED** by the Village of Salado Board of Aldermen on the 6<sup>th</sup> day of January, 2022, by a vote of 5 (Ayes) and 0 (Nays) and 0 (Abstentions).

**VILLAGE OF SALADO**

By: \_\_\_\_\_

Michael Coggin, Mayor

**ATTEST:**

Cara McPartland

Cara Mc Partland, City Secretary

(SEAL)



**APPROVED AS TO FORM:**

\_\_\_\_\_  
Josh Katz, City Attorney

## Exhibit "A"

### RESOLUTION NO. R-2022-01

The Board of Trustees for Salado Independent School District ("SISD"), the Board of Trustees for Salado Public Library District ("Library District") and the Board of Aldermen for the Village of Salado ("Village") desire to enter into a joint contract ("Agreement") for the Election on May 7, 2022.

Staffing and share of expense for the Election are as follows:

1. Supplies (to include election notices) for Early and Election Day voting
2. One (1) Express Vote ESS Voting System and one (1) DS 200 Tabulating Unit will be leased from Bell County for Early and Election Day voting
3. Early Voting: No more than two (2) Election Clerks on each day of Early Voting
4. Election Day: One (1) Election Judge and no more than three (3) clerks; and
5. One (1) Ballot Board Judge and no more than two (2) clerks

Each entity participating in the Election shall be responsible for one-third (1/3) of the cost of staffing and one-third (1/3) the cost of supplies and equipment for Early Voting and Election Day.

The Election Judge, Alternate Judge, and Election Clerks shall be compensated at the rate of \$9.00 per hour, including training time. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code and other applicable laws. The Early Voting Clerk or his/her designee shall be responsible for placing, in the *Village Voice* newspaper, a Consolidated Notice of Election for all three (3) entities participating in the Election, at the time subscribed by the Texas Election Code.

In the instance that each participating entity uses the same Election Judge, Alternate Judge, Election Deputies and Election Clerks, the Early Voting Clerk or the designee shall send one (1) Writ to each Election personnel designating their duties and reflecting their appointment by each participating entity.

On Election Day, May 7, 2022, the administration office of the SISD, located in the Salado Civic Center, will be the designated Election Office to be open to the public from 7:00 a.m. to 7:00 p.m. A representative from each participating entity shall hold open the Election Office for four (4) hours each, allowing the Election Office to be open a total of twelve (12) hours.

In the event any of the participating entities cancels its election, because of unopposed candidates under Subchapter C of Title I of the Texas Election Code, such entity shall be responsible for its respective share of all election expenses incurred through the date that the election is canceled, as allocated to that Entity. SISD shall pay all costs of the election

and the Village and Library District shall reimburse the SISD within Sixty (60) days for their respective shares.

Throughout the term of this Agreement, the participating entities will engage in ongoing communications concerning the conduct of the Joint Election; and, when necessary, representatives of each participating entity shall meet to discuss and resolve any problems which might arise regarding the Joint Election.

If any provision of this Agreement is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Agreement; and, participating to this Agreement shall perform their obligations under this Agreement in accordance with the intent of the participating entities to this Agreement, as expressed in the terms and provisions of this Agreement.

This Agreement takes effect upon the complete execution of this Agreement by the SISD, Village and Library District. This Agreement shall continue until the Village and Library District have reimbursed SISD for all election expenses owed. The obligation of the Village and Library District to the SISD under this Agreement shall not end until such sum is paid.

IN TESTIMONY WHEREOF, this Agreement is executed by:

\_\_\_\_\_  
Signature of Board President, Salado ISD

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Board President, Salado Public Library District

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Michael Coggin, Mayor of Village of Salado

\_\_\_\_\_  
January 20, 2022

\_\_\_\_\_  
Date

